

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for MAY 12, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit 1726B, West Park 2nd Addition Community Unit Plan

PROPOSAL: To amend the community unit plan to increase the number of dwelling units from 23 to 29 dwelling units.

LOCATION: S. W. 15th Ct. & West "A" St.

LAND AREA: 5.4 acres, more or less.

CONCLUSION: With conditions the proposal is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

<u>RECOMMENDATION:</u>

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-14, Outlot "A" and Outlot "B", West Park Addition, located in the SE 1/4 of Section 28, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-3 with Community Unit Plan

EXISTING LAND USE: Residential and daycare facility.

SURROUNDING LAND USE AND ZONING:

North:	R-2 Residential	Right-of-way for Homestead Expressway
South:	R-2 Residential	Single family residential
East:	R-2 Residential	Single family residential and church
West:	R-2 Residential	Single family residential and undeveloped

ASSOCIATED APPLICATIONS: Preliminary Plat #01012

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging

appropriate new development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.” (F-17)

“Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.” (F-18)

“Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents.” (F-18)

The Land Use Plan identifies this area as urban residential. (F-25)

Guiding principles for new neighborhoods includes:

1. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
2. Parks and open space within walking distance to a ll residences;
3. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads (F-67)

The Plan thus commits Lincoln and Lancaster County to preserve unique and sensitive habitats and endorses creative integration of natural systems into developments. (F-51)

Wetlands provide distinctive habitat opportunities for various plants and animals, as well as offering flood control and water filtration benefits. (F-54)

HISTORY:

Date when preliminary plat was submitted:	July 12, 2001
Date when Planning Director’s letter was sent:	August 13, 2001
Date when revised preliminary plat was submitted:	April 7, 2004

March 15, 1999	Special Permit #1726A to amend the community unit plan to allow a day care facility and 10 additional dwelling units was approved by City Council.
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February 10, 1999	Final Plat #98032, West Park Addition, was approved by Planning Commission.
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September 14, 1998	Special Permit #1726 for a community unit plan for 13 dwelling units was approved by City Council.
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September 14, 1998	Preliminary Plat #98013 was approved by City Council
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UTILITIES:	All utilities are available to serve this development.
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TRAFFIC ANALYSIS:	West “A” St. is classified as a minor arterial. There are no projects proposed for West “A” St. abutting this plat in the
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2025 Comprehensive Plan. The lots will take access from West "B" Ct., a private roadway. A waiver has been requested with the preliminary plat requiring that West "B" Ct. connect to West "B" St. A connection of the two streets would require development in the wetlands.

PUBLIC SERVICE: The nearest fire station is located on Coddington Ave. just south of West "A" St.
The nearest elementary school is Roper Elementary located at West South St. & Coddington Ave.

ENVIRONMENTAL CONCERNS:

The proposed development is within the limits of existing wetlands. The applicant is mitigating the loss of wetlands. The applicant has received a Section 404 permit from the Army Corps of Engineers.

The applicant has submitted a mitigation plan. A conservation easement should be placed over the mitigation areas.

The site contains freshwater wetlands on saline soils, classified as Category III wetlands. A conservation easement has been placed over the wetlands and the wetlands have been placed on an outlot.

ANALYSIS:

1. This request is to amend the community unit plan to increase the number of dwelling units from 23 to 29. Ten dwelling units are set aside for conversion of the early childhood care facility.
2. This amendment is to allow six additional dwelling units to the Community Unit Plan. The early childhood day care facility and 13 dwelling units are built.
3. This community unit plan allows a total density of 21 dwelling units, not including Lot 20, the daycare lot.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 Correct note 7 to change "West Park Court" to "West B Ct."

1.1.2 Add the following note: "The conversion plan for the early childhood care facility allows a maximum of 10 dwelling units."

1.1.3 Add to the Requested Waivers a waiver to turnaround meeting City design standards in West "B" Ct.

1.1.4 Add to the Requested Waivers a waiver to the connection of West "B" Ct. to West "B" St.

1.1.5 Identify the mitigation areas within the boundaries of a conservation easement.

2. This approval amends the West Park Community Unit Plan to increase the number of dwelling units from 23 to 29 dwelling units.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

3.4 The operation and the premises of the early childhood care facility are to meet appropriate local and state licensing requirements, including compliance with health codes.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

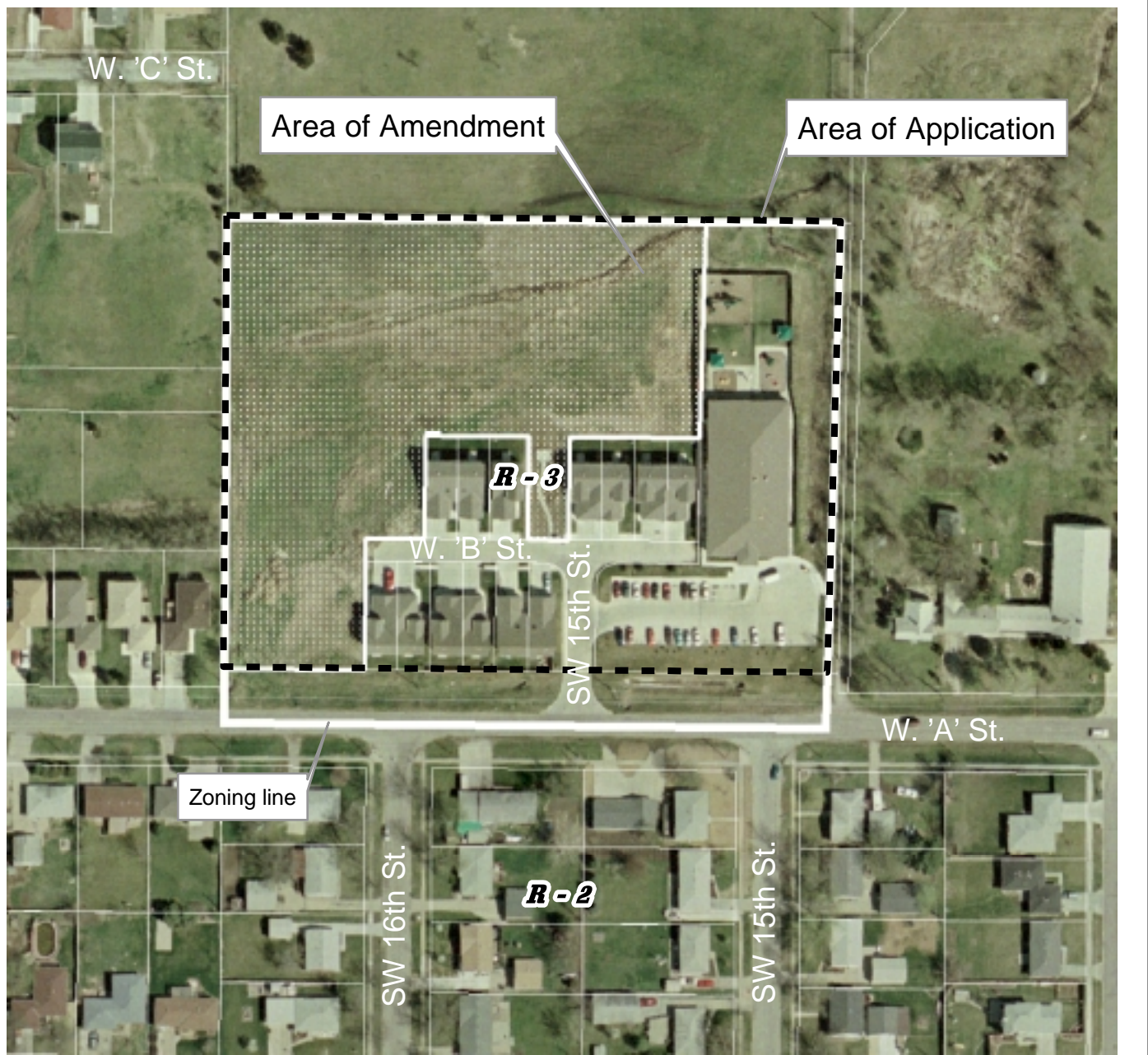
Tom Cajka, 441-5662, tcajka@ci.lincoln.ne.us
Planner

DATE: April 23, 2004

APPLICANT: Kent Thompson
West Park L.L.C.
6800 S. 32nd St. Suite C
Lincoln, NE 68516
(402) 421-7700

OWNER: same as applicant

CONTACT: Brian D. Carstens
Brian D. Carstens & Associates
601 Old Cheney Rd. Suite C
Lincon, NE 68512
(402) 434-2424



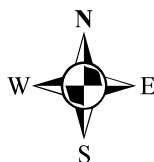
Special Permit #1726B West Park 2nd Add

2002 aerial

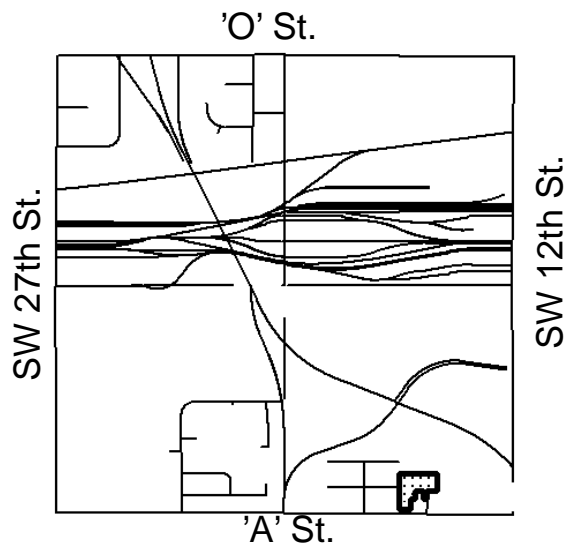
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 28 T10N R6E



Zoning Jurisdiction Lines
City Limit Jurisdiction



Memorandum

To:	Tom Cajka, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	West Park 2nd Addition Preliminary Plat #01012 and Special Permit #1726
Date:	4/22/04
cc:	Randy Hoskins

Engineering Services has reviewed the submitted plans for the West Park 2nd Addition Preliminary Plat and Special Permit, located north of West A Street at SW 15th Street, and has the following comments:

- The grading and drainage plan needs to be revised to reflect the current city storm sewer project in West A Street adjacent to this plat.
- The grading plan shows proposed contours that create low spots in the area north of the proposed and existing buildings that have no positive drainage. The grading plan needs to be revised to show positive drainage for these areas.
- Information needs to be provided showing that Lots 8 and 9 will not be flooded during the 100yr storm.
- A waiver of design standards for permanent turnaround geometry will need to be requested and justification will need to be provided for West B Court.

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: April 21, 2004

Re: West Park 2nd Addition

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. While not a requirement, please consider using a Patmore Ash rather than an Emerald Queen Maple. Emerald Queen Maple are subject to sunscald and damage in unprotected sites.
2. Section 26.23.160 of the Land Subdivision Ordinance requires, at the City's discretion, the dedication of suitable park land for neighborhood parks as part of the platting process, paying impact fees with the submission of building permits, or a combination of both. At this time, the Parks Department is requesting impact fees in lieu of park land.

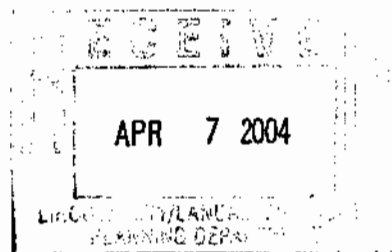
If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE - KEARNEY
1430 CENTRAL AVENUE, SUITE 4
KEARNEY, NEBRASKA 68847-6856

April 5, 2004

Mr. Kent Thompson
West Lake LLC
PO Box 6896
Lincoln, Nebraska 68506-0896



Dear Mr. Thompson:

We have reviewed your request for Department of the Army authorization for the housing development (West Park 2nd Addition) in wetlands. The work will be carried out in accordance with plans received on July 6, 2000. The site is located in the SE¼ of Section 28, Township 10 North, Range 6 East, Lancaster County, Nebraska.

Based on the information you provided, this office has determined that your work is authorized by the Department of the Army Nationwide Permit No. 39, found in the January 15, 2002 Federal Register (Vol. 67, No. 10, Part II), Issuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this Nationwide Permit and lists the General Conditions that must be adhered to for this authorization to remain valid.

This authorization is subject to the following Special Condition(s):

1. Wetland impacts will be mitigated at a minimum ratio of 1½ acres of created wetland for every 1.0 acre of impacted wetland. Mitigation shall be accomplished as outlined in the March 5, 1999 Mitigation Plan prepared by Terracon, Omaha, Nebraska. Should the mitigation fail to produce the type and level of compensation necessary, the permittee shall comply with the Corps' directives to provide the required mitigation. If the mitigation area is considered to be failing at any time, the permittee shall undertake action, as directed by the Corps of Engineers, to remedy the failure.
2. Buffer strips shall be set aside around perimeter of the mitigation site measuring 30 feet from the outer-most boundary of the mitigation wetland. The buffer strips shall be planted to appropriate perennial, native grasses and forbs and maintained in this condition. Reed Canary Grass (*Phalaris arundinacea*), Purple Loosestrife (*Lythrum salicaria*) and Smooth Brome (*Bromus inermis*) are **NOT** appropriate choices of vegetation. Revegetation will be acceptable when ground cover of desirable species reaches 75%. The permittee shall provide to the Kearney Regulatory Office documentation verifying that the mitigation site was constructed and seeded before May 1, 2004. This documentation may include dates of construction and seeding, planting list, seed bag tags or receipts.

3. Monitoring reports of the wetland mitigation site shall be submitted to the Kearney Regulatory Office to ensure the site is developing properly. The reports shall include, at a minimum, the following: 1) All plant species along the their estimated relative frequency and percent cover; 2) Any fauna noted using the area; 3) Referenced photographs, showing all representative areas of the mitigation site taken at least once each year during the growing season; 4) a set of as-built plans of the mitigation site to see as the baseline for future monitoring. Monitoring reports shall be due November 1 of 2004, 2005 and 2006. If construction is not completed by October 1, 2004, monitoring reports shall be due November 1 of 2005, 2006 and 2007. Please contact the Kearney Regulatory Office if construction is not completed before October 1, 2004 to ensure the proper monitoring schedule.

4. To protect against future impacts on the mitigation site, an appropriate real estate instrument such as a conservation easement or a deed restriction shall be placed on the entire mitigation site and the buffer areas. After the completion of construction, the permittee shall provide to the Kearney Regulatory Office a legal description of the land to be preserved and a draft Covenant of Dedication. A certified copy of the real estate instrument, as recorded with the Lancaster County Registrar of Deeds, shall be submitted to the Kearney Regulatory Office by June 30, 2005.

5. The permittee shall assume all liability for accomplishing corrective work should the Corps of Engineers determine that the compensatory mitigation has not been fully satisfactory. Remedial work may include, but is not limited to, regarding &/or replanting the site. This responsibility shall extend for a period three years upon completion of the work.

6. Measures will be employed prior to filling activity in waters of the US to reduce soil erosion and sedimentation into channels/wetlands. These may include silt curtains, temporary sediment basins, berms, erosion control blankets, turf reinforcement, vertical track walking and grass seeding. The amount of sediment entering channels/wetlands and leaving the site shall be reduced to the maximum extent practicable. If the permittee fails to institute all appropriate measures, the Corps of Engineers reserves the option to halt all earthmoving operations until erosion/sedimentation problems are corrected.

7. Upon completion of the project, all areas disturbed by construction shall be revegetated to appropriate perennial, native grasses and forbs and maintained in this condition. Reed Canary Grass (*Phalaris arundinacea*), Purple Loosestrife (*Lythrum salicaria*) and Smooth Brome (*Bromus inermis*) are NOT appropriate choices of vegetation. The disturbed areas shall be reseeded concurrent with the project or immediately upon completion. Revegetation shall be acceptable when ground cover of desirable species reaches 75%. If this seeding cannot be accomplished by September 15 of the year that grading is completed, then an erosion blanket shall be placed on the disturbed slopes adjacent to the wetlands/channel. The erosion blanket shall remain in place until ground cover of desirable species reaches 75%. If the seeding can be accomplished by September 15, all seeded areas shall be properly mulched to prevent additional erosion.

Although an individual Department of the Army permit will not be required for the project, this does not eliminate the requirement that you obtain any other applicable Federal, state, tribal or local permits as required. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.

You are responsible for all work accomplished in accordance with the terms and conditions of the Nationwide Permit. If a contractor or other authorized representative will be accomplishing the work authorized by the Nationwide Permit in your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable Nationwide Permit. Any activity that fails to comply with all of the terms and conditions of the Nationwide Permit will be considered unauthorized and subject to appropriate enforcement action.

In compliance with General Condition 14, the attached Compliance Certification form must be signed and returned to the address listed upon completion of the authorized work and any required mitigation.

This verification will be valid until April 5, 2006.

Should you at any time become aware that either an endangered and/or threatened species or its critical habitat exists within the project area, you must immediately notify this office.

If you have any questions concerning this determination or jurisdiction, please feel free to contact Mrs. Barb Friskopp at (308) 234-1403 and reference Nationwide Permit No. 04-10274.

Sincerely,


Michael Rabbe
Nebraska State Program Manager

Enclosures

Copy Furnished:

DEQ (Hickman)
Brian Carstens & Associates

